

HOUSE JOINT RESOLUTION 429  
By Brooks

A RESOLUTION relative to state government's compliance with  
Title VI of the Civil Rights Act of 1964.

WHEREAS, Title VI of the Civil Rights Act of 1964 and its implementing regulations require all state agencies receiving federal money to develop and implement plans to ensure that no one receiving benefits under a federally funded program is discriminated against on the basis of race, color or national origin; and

WHEREAS, Public Chapter 502, passed by the General Assembly and signed into law on May 31, 1993, requires state agencies to: "develop a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations. To the extent applicable, such plan shall include Title VI implementation plans of any subrecipients of federal funds through the state entity. Each such state governmental entity shall submit annual Title VI compliance reports and implementation plan updates to the department of audit by June 30, 1994, and each June 30 thereafter. At least once each year, the department shall publish a cumulative report of its findings and recommendations concerning compliance with the requirements of this section. The cumulative annual report shall be distributed to the Governor, to each member of the General Assembly, and to each library designated as a depository of state reports and documents."; and

WHEREAS, Public Chapter 502 also required the Comptroller of the Treasury to conduct a study to determine “what special actions should be taken by state entities to implement the requirements of Title VI and regulations promulgated pursuant to Title VI”; and

WHEREAS, the Comptroller’s study concluded that in spite of decreased emphasis at the federal level, state agencies have the responsibility to monitor and enforce Title VI; and

WHEREAS, the Comptroller’s study discovered a general lack of knowledge about Title VI among most state agencies; and

WHEREAS, the Comptroller’s study recommended that state agencies should develop and implement Title VI compliance procedures in order to fulfill their obligations under Title VI; and

WHEREAS, recommended Title VI compliance procedures focused on such things as: data collection and analysis, compliance reviews of federally assisted programs, personnel training, minority participation in the planning of programs, notification of rights under Title VI, complaint processing and investigation, resource lists within the minority community, and where needed, sanctions for uncooperative recipients; and

WHEREAS, over the past two years, the various departments and agencies of state government have been developing, implementing and then fine-tuning procedures to ensure state government’s compliance with Title VI; and

WHEREAS, each state governmental entity must submit annual Title VI compliance reports and implementation plan updates by June 30th of each year to the department of audit; and

WHEREAS, each state department or agency is required to publish a cumulative annual report of its findings and recommendations concerning Title VI compliance, and distribute such report to the Governor and to each member of the General Assembly; and

WHEREAS, because of Tennessee's long history of non-compliance with Title VI, it is imperative that state government actively solicit input and participation from Tennessee's African American community; and

WHEREAS, participation from the African American community would most assuredly require state agencies to move quickly toward the development of result-oriented programs and activities to achieve Title VI compliance; and

WHEREAS, for over twenty years, the Tennessee Black Caucus of State Legislators has served the state's African American community with dedication and compassion as its voice and advocate on Capitol Hill; and

WHEREAS, it is only appropriate that the Tennessee Black Caucus of State Legislators should be afforded access to state government's Title VI compliance reports and implementation plan updates and be given the opportunity to question the appropriate state officials about their respective agencies' endeavors to achieve Title VI compliance; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That each state governmental agency shall present its annual Title VI compliance reports and implementation plan updates to the Tennessee Black Caucus of State Legislators, or appropriate task force thereof, at the Caucus's Annual Legislative Retreat in November 1996, and at each subsequent Annual Legislative Retreat.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be transmitted to the Commissioner or Executive Director of each state governmental entity that has responsibilities for Title VI compliance.